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OFFICE OF PETITIONS

In re Application of  
Sean McCarthy  
Application No. 09/009,802  
Filed: January 20, 1998  
Attorney Docket No. MNI-108

ON PETITION

The instant application became abandoned on February 7, 2001, for failure to submit a timely response to the final Office action mailed on November 6, 2000, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply pursuant to 37 CFR 1.136(a) were obtained during the prescribed time period. Accordingly, a Notice of Abandonment was mailed on May 5, 2001.

Petitioner has submitted a Request for Continued Examination (RCE) with the present petition. The amendment submitted with the petition filed on October 5, 2001, has been approved as a proper submission under 37 CFR 1.114.

It should be noted however that applicant's request to correct the name and address of the assignee, filed February 23, 2000, was aptly taken as a change of address and the final office action was mailed to that address.

Additionally, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$920.00 extension of time fee submitted with the petition on October 5, 2001, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to counsel's deposit account, No. 12-0080.

The application is being forwarded to Technology Center 1600 for processing of the RCE and submission.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy